THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

IDBI BANK LIMITED

Claimant

and

(1) FIBER PLUS LLC
(2) MR KAPIL CHUGH
(3) MR VISHAL GOEL
(4) SHILPI WORLDWIDE DMCC (PREVIOUSLY NAMED SHILPI WORLDWIDE JLT)
(5) RAM JHAROKE LEASING & FINANCE LIMITED
(6) DIOS HOSPITALITY (P) LTD

Defendants

DEFAULT JUDGMENT OF H.E. JUSTICE NASSIR AL NASSER

UPON reviewing the Request of the Claimant dated 26 June 2023 for Default Judgment in accordance with Rule 13.1 (1) and (2) of the Rules of the DIFC Courts ("RDC"), it is found as follows:

1. The Request is not one prohibited by RDC 13.3 (1) or (2).

2. The Defendants have failed to file an acknowledgment of service or a defence to the claim (or any part of the claim) with the DIFC Courts and the relevant time for so doing has expired (RDC 13.4).

3. The Defendants have not: (i) applied to the DIFC Courts to have the Claimant's statement of case struck out under RDC 4.16; or for immediate judgment under RDC Part 24 (RDC 13.6(1)); (ii) satisfied the whole claim (including any claim for costs) on which the Claimant is seeking judgment; or (iii) filed or served on the Claimant an admission under RDC 15.14 or 15.24 together with a request for time to pay (RDC 13.6(3)).

4. The governing law as per the Facility Agreement is the UAE Law. As per Article 9 (1) of the Federal Law 42 of 2022 of the Civil Procedure Law, summons can be served upon the Defendants via email. The Claim Form was served by email on 17 April 2023 to the email addresses available in the Claimant's record.

5. The original Claim Form was filed on 1 March 2023 and served upon the Defendants via e-mail dated 17 April 2023 on the email addresses available in the Claimant's record. The Claimant also attempted to serve the Claim Form upon all of the Defendants via courier dated 14 March 2023 but the courier shipments were returned unserved.

6. The Particulars of Claim were served upon the Defendants on 26 April 2023 on the e-mail addresses available in the Claimant's record and delivered. The Certificate of Service was issued on 2 May 2023.

7. The Claimant has followed the required procedure for obtaining default judgment pursuant to RDC 13.7 and 13.8.

8. The claim is for a specified sum of money and the Request specifies the date by which the whole of the judgment debt is to be paid or the times and rate at which it is to be paid by instalments (see RDC 13.9).

9. The Request includes a request for interest pursuant to RDC 13.14 and the Claim Form sets out the calculation of interest in the claim.

10. The DIFC Courts is satisfied that the conditions of RDC 13.22 and RDC 13.23 in respect of the Defendants being served outside jurisdiction have been met.

11. The Claimant has submitted evidence, as required by RDC 13.24, that (i) the claim is one that the DIFC Courts have power to hear and decide; (ii) no other court has exclusive jurisdiction to hear and decide the claim; and (iii) the claim has been properly served in accordance with RDC 13.22 and 13.23.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Request is granted.

2. The Defendants shall jointly and severally pay the Claimant the sum of **USD 9,562,276.41** plus interest at the rate of 9% per annum from the date of this judgment until full payment.

3. The Defendants shall jointly and severally pay the Claimant the legal costs in the sum of **USD 40,000**.

4. The Defendants shall jointly and severally pay the Claimant the Court fees in the amount of **USD 24,187.19**.

5. The Claimant shall serve this Judgment upon the Defendants.

Issued by:
Hayley Norton
Assistant Registrar
Date of Issue: 10 July 2023
At: 3pm